

Message Text

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PAGE 01 STATE 062993

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FM SECSTATE WASHDC

TO AMEMBASSY BERN

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E.O. 11652, N/A

TAGS:PFOR, CFED, CGEN, SZ

SUBJECT: EXTRADITION CASE OF JOSETTE BAUER NEE GEISSER)

REF: STATE 36922

1. FOLLOWING IS TEXT OF DIPLOMATIC NOTE PRESENTED BY
SWISS EMBASSY TO DEPARTMENT MARCH 15.

BEGIN TEXT:

MR. SECRETARY:

I HAVE THE HONOR TO REFER TO YOUR LETTER OF FEBRUARY 13,
1976, AND TO TRANSMIT THE VIEWS OF THE SWISS GOVERNMENT
RELATING TO THE EXTRADITION OF JOSETTE-CLAIRE GEISSER,
DIVORCED BAUER.

THE SWISS GOVERNMENT HAS GIVEN LONG AND CAREFUL CONSIDER-
ATION TO THE MATTERS DISCUSSED IN YOUR LETTER. IT HAS
CONCLUDED THAT, IN ORDER TO PRESERVE ITS IMPORTANT
INTERESTS IN THE ADMINISTRATION OF JUSTICE AND ITS RIGHTS
UNDER THE TREATY IN QUESTION, IT MUST RESPECTFULLY
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PAGE 02 STATE 062993

MAINTAIN ITS REQUEST FOR MS. GEISSER'S EXTRADITION.

THE SWISS GOVERNMENT CONTINUES TO FEEL THAT THE EXTRADITION OF MS. GEISSER IS CALLED FOR BY THE UNITED STATES' TREATY OBLIGATIONS TO SWITZERLAND AND BY INTERNATIONAL LAW AND THAT THEREFORE THE EXTRADITION SHOULD NOT BE AFFECTED BY INTERNAL UNITED STATES MATTERS. FURTHER, FROM A PRACTICAL VIEWPOINT, THE SWISS GOVERNMENT FEELS THAT A WITHDRAWAL OF ITS REQUEST MIGHT ITSELF CAUSE HARM TO THE EXTRADITION RELATIONS BETWEEN THE UNITED STATES AND SWITZERLAND.

AS YOU KNOW, MS. GEISSER, A SWISS CITIZEN, WAS TRIED AND CONVICTED OF AIDING AND ABETTING THE MURDER OF HER FATHER FOR FINANCIAL GAIN IN SWITZERLAND. SHE ESCAPED FROM SWISS CONFINEMENT WHILE STILL HAVING TO SERVE ABOUT TWO-AND-A-HALF YEARS OF HER SENTENCE. I AM SURE YOU CAN APPRECIATE THE STRONG FEELING IN SWITZERLAND THAT SWITZERLAND'S SYSTEM OF JUSTICE, AND OUR PUBLIC'S DEEP EXPECTATIONS CONCERNING THE FAIR ADMINISTRATION OF JUSTICE, MAKE IT A MATTER OF CONSIDERABLE IMPORTANCE THAT SHE BE RETURNED TO SWITZERLAND TO COMPLETE HER SENTENCE FOR THIS HEINOUS CRIME.

UPON LEARNING OF MS. GEISSER'S ARREST IN FLORIDA THE SWISS GOVERNMENT IMMEDIATELY TOOK ALL NECESSARY STEPS TO OBTAIN HER EXTRADITION, REQUESTING THE DEPARTMENT OF STATE TO ARRANGE FOR MS. GEISSER'S PROVISIONAL ARREST AND DETENTION ON SEPTEMBER 18, 1967, FORMALLY REQUESTING HER EXTRADITION BY THE SECRETARY OF STATE ON SEPTEMBER 22, 1967, FILING AN EXTRADITION COMPLAINT IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA ON OCTOBER 4, 1967, OBTAINING AN ARREST WARRANT FROM THAT COURT ON OCTOBER 4, 1967, AND OBTAINING AN EXTRADITION ORDER FROM THAT COURT ON NOVEMBER 21, 1967. THUS, AS OF NOVEMBER 21, 1967, THE SWISS GOVERNMENT HAD COMPLETED ALL THE STEPS NECESSARY FOR MS. GEISSER'S EXTRADITION AND MERELY AWAITED THE DECISION TO EXTRADITE BY THE DEPARTMENT OF STATE.

WE HAVE NOW LEARNED THAT MS. GEISSER CONTENTS THAT--
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PAGE 03 STATE 062993

SUBSEQUENT TO AND IN SPITE OF THE ABOVE EFFORTS--SHE AND CERTAIN EMPLOYEES OF THE DEPARTMENT OF JUSTICE, WITHOUT NOTICE TO THE SWISS GOVERNMENT OF JUSTICE, WITHOUT NOTICE TO THE SWISS GOVERNMENT OR THE DISTRICT COURT, ENTERED INTO AN AGREEMENT, ONE PURPOSE OF WHICH WAS TO PREVENT HER EXTRADITION TO SWITZERLAND. IF THIS ALLEGED AGREEMENT WERE ENFORCED IN THE MANNER REQUESTED BY MS. GEISSER, THE INEVITABLE CONSEQUENCE WOULD OFCOURSE BE TO NULLIFY

THE DISTRICT COURT'S ORDER OF EXTRADITION AND THE
EXTRADITION RIGHTS OF THE SWISS GOVERNMENT. AS I AM

SURE YOU REALIZE, THE SWISS GOVERNMENT FEELS THAT SUCH
ACTIVITIES SHOULD NOT AFFECT ITS RIGHTS TO EXTRADITION.

PLEASE ACCEPT; MR. SECRETARY, THE ASSURANCES OF MY
HIGHEST CONSIDERATION. END TEXT

2. SWISS EMBASSY ALSO PRESENTED FOLLOWING NOTE.

BEGIN TEXT:

THE EMBASSY OF SWITZERLAND PRESENTS ITS COMPLIMENTS TO
THE DEPARTMENT OF STATE AND WITH REFERENCE TO PREVIOUS
NOTES CONCERNING THE EXTRADITION OF JOSETTE-CLAIRE
GEISSER, DIVORCED BAUER, RESPECTFULLY REQUESTS THAT THE
DEPARTMENT OF STATE CERTIFY TO THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF FLORIDA THAT THE
UNITED STATES NEVER REQUESTED THE SWISS GOVERNMENT TO
EXTRADITE JEAN ROLAND MORI TO THE UNITED STATES AND THAT
THE SWISS GOVERNMENT HAS HISTORICALLY AND CONSISTENTLY
RESPECTED, PROTECTED AND ENFORCED THE EXTRADITION RIGHTS
OF THE UNITED STATES GRANTED BY TREATY. SUCH CERTIFICATE
SHOULD BE PRESENTED TO U.S. DISTRICT JUDGE MEHRTENS IN
THE CASE OF GEISSER V. UNITED STATES, NOS. 73-772
CIV.-WM AND 73-773 CIV.-WM.

THE EMBASSY IS MAKING THIS REQUEST BECAUSE, IN A
JUDGEMENT IN THAT CASE, JUDGE MEHRTENS REFERRED TO "THE
PREVIOUS, CONSTANT REFUSAL OF SWITZERLAND TO EXTRADITE
DEFENDANT MORI UPON THE U.S. FEDERAL CHARGES PENDING
AGAINST HIM IN THIS DISTRICT" AND NOTED THAT "THE
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PAGE 04 STATE 062993

EXTRADITION OF MORI TO THE UNITED STATES... (WAS
ACCOMPLISHED ONLY AFTER MORI HAD BEEN ARRESTED IN FRANCE".

THE EMBASSY OF SWITZERLAND AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE THE
ASSURANCES OF ITS HIGHEST CONSIDERATION. END TEXT

3. DEPARTMENT OFFICER ACCEPTED NOTES AND SAID STATE
DEPARTMENT POSITION IS IN PREPARATION.

4. WILL KEEP EMBASSY ADVISED. KISSINGER

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